

## PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert J. D'Amato )  
Serial No.: 09/545,139 ) Art Unit: 1614  
Filed: April 7, 2000 ) Examiner: Goldberg, J.  
For: Methods and Compositions for the )  
Inhibition of Angiogenesis )  
with EM-138 )

---

**DECLARATION OF KIMBERLY J. PRIOR**

---

KIMBERLY J. PRIOR declares as follows:

1. On April 7, 2000 I was an associate attorney with the law firm of Jones & Askew LLP, 2400 Monarch Tower, 3424 Peachtree Road, Atlanta, Georgia 30326 and was registered to practice before the United States Patent and Trademark Office.

2. On April 7, 2000, I filed U.S. patent application Serial No. 09/545,139 (hereinafter the "'139 application"). I filed the '139 application as a division of U.S. patent application Serial No. 08/950,673 (hereinafter the "'673 application").

3. Recently, it has come to my attention that the specification of the '139 application is not identical to the specification of the '673 application in that the specification of the '139 application contains several additional paragraphs and a sentence directed to chronic inflammatory diseases on page 24, line 22 to page 26, line 9 and a sentence relating to rheumatoid arthritis on page 26, lines 11-13.

4. I have no recollection of adding these additional paragraphs and sentence to the specification of the '139 application. I had no reason to add the additional

U.S. Patent Application No. 09/545,139  
Declaration of Kimberly J. Prior  
Page 2 of 2

disclosure to the specification of the '139 application as the application was filed to pursue claims restricted by the Examiner in the '673 application.

5. It was my intention and belief that the '139 application was a division of the '673 application and that the specifications of the two applications were the same. I do not know how the additional paragraphs and sentence were added to the specification of the '139 application, and it was not my intention that any additional disclosure be added to the specification. The inclusion of the additional disclosure to the specification of the '139 application was inadvertent and unintentional.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: 11 April 2002

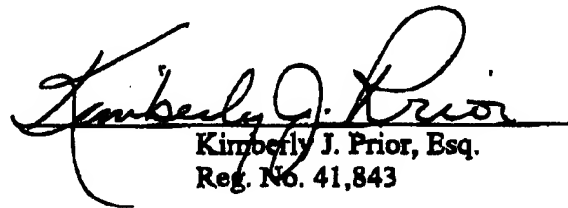
  
Kimberly J. Prior, Esq.  
Reg. No. 41,843

Exhibit A

002040-040700

## PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Robert J. D'Amato** )  
 ) Art Unit: 1614  
Serial No.: 09/545,139 )  
 ) Examiner: Goldberg, J.  
Filed: April 7, 2000 )  
 )  
For: **Methods and Compositions for the** )  
 **Inhibition of Angiogenesis** )  
 **with EM-138** )

---

**DECLARATION OF KIMBERLY J. PRIOR**

---

KIMBERLY J. PRIOR declares as follows:

1. On April 7, 2000 I was an associate attorney with the law firm of Jones & Askew LLP, 2400 Monarch Tower, 3424 Peachtree Road, Atlanta, Georgia 30326 and was registered to practice before the United States Patent and Trademark Office.

2. On April 7, 2000, I filed U.S. patent application Serial No. 09/545,139 (hereinafter the "'139 application'"). I filed the '139 application as a division of U.S. patent application Serial No. 08/950,673 (hereinafter the "'673 application'").

3. Recently, it has come to my attention that the specification of the '139 application is not identical to the specification of the '673 application in that the specification of the '139 application contains several additional paragraphs and a sentence directed to chronic inflammatory diseases on page 24, line 22 to page 26, line 9 and a sentence relating to rheumatoid arthritis on page 26, lines 11-13.

4. I have no recollection of adding these additional paragraphs and sentence to the specification of the '139 application. I had no reason to add the additional

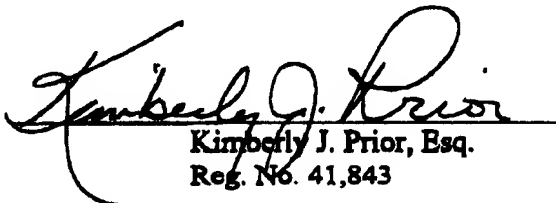
U.S. Patent Application No. 09/545,139  
Declaration of Kimberly J. Prior  
Page 2 of 2

disclosure to the specification of the '139 application as the application was filed to pursue claims restricted by the Examiner in the '673 application.

5. It was my intention and belief that the '139 application was a division of the '673 application and that the specifications of the two applications were the same. I do not know how the additional paragraphs and sentence were added to the specification of the '139 application, and it was not my intention that any additional disclosure be added to the specification. The inclusion of the additional disclosure to the specification of the '139 application was inadvertent and unintentional.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: 11 April 2002

  
Kimberly J. Prior, Esq.  
Reg. No. 41,843

09545139-040700

PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert J. D'Amato )  
Serial No.: 09/545,139 ) Art Unit: 1614  
Filed: April 7, 2000 ) Examiner: Goldberg, J.  
For: Methods and Compositions for the )  
Inhibition of Angiogenesis )  
with EM-138 )

OFFICIAL

FAX RECEIVED  
MAY 28 2002  
GROUP 16MDECLARATION OF KIMBERLY J. PRIOR

KIMBERLY J. PRIOR declares as follows:

1. On April 7, 2000 I was an associate attorney with the law firm of Jones & Askew LLP, 2400 Monarch Tower, 3424 Peachtree Road, Atlanta, Georgia 30326 and was registered to practice before the United States Patent and Trademark Office.
2. On April 7, 2000, I filed U.S. patent application Serial No. 09/545,139 (hereinafter the "'139 application"). I filed the '139 application as a division of U.S. patent application Serial No. 08/950,673 (hereinafter the "'673 application").
3. Recently, it has come to my attention that the specification of the '139 application is not identical to the specification of the '673 application in that the specification of the '139 application contains several additional paragraphs and a sentence directed to chronic inflammatory diseases on page 24, line 22 to page 26, line 9 and a sentence relating to rheumatoid arthritis on page 26, lines 11-13.
4. I have no recollection of adding these additional paragraphs and sentence to the specification of the '139 application. I had no reason to add the additional

002010 SET 54560

U.S. Patent Application No. 09/545,139  
Declaration of Kimberly J. Prior  
Page 2 of 2

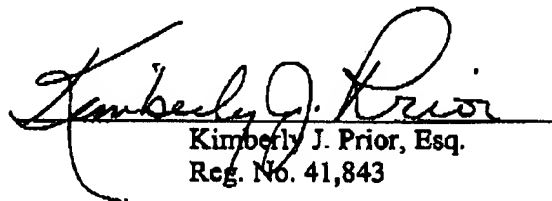
disclosure to the specification of the '139 application as the application was filed to pursue claims restricted by the Examiner in the '673 application.

5. It was my intention and belief that the '139 application was a division of the '673 application and that the specifications of the two applications were the same. I do not know how the additional paragraphs and sentence were added to the specification of the '139 application, and it was not my intention that any additional disclosure be added to the specification. The inclusion of the additional disclosure to the specification of the '139 application was inadvertent and unintentional.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date:

11 April 2002

  
Kimberly J. Prior, Esq.  
Reg. No. 41,843